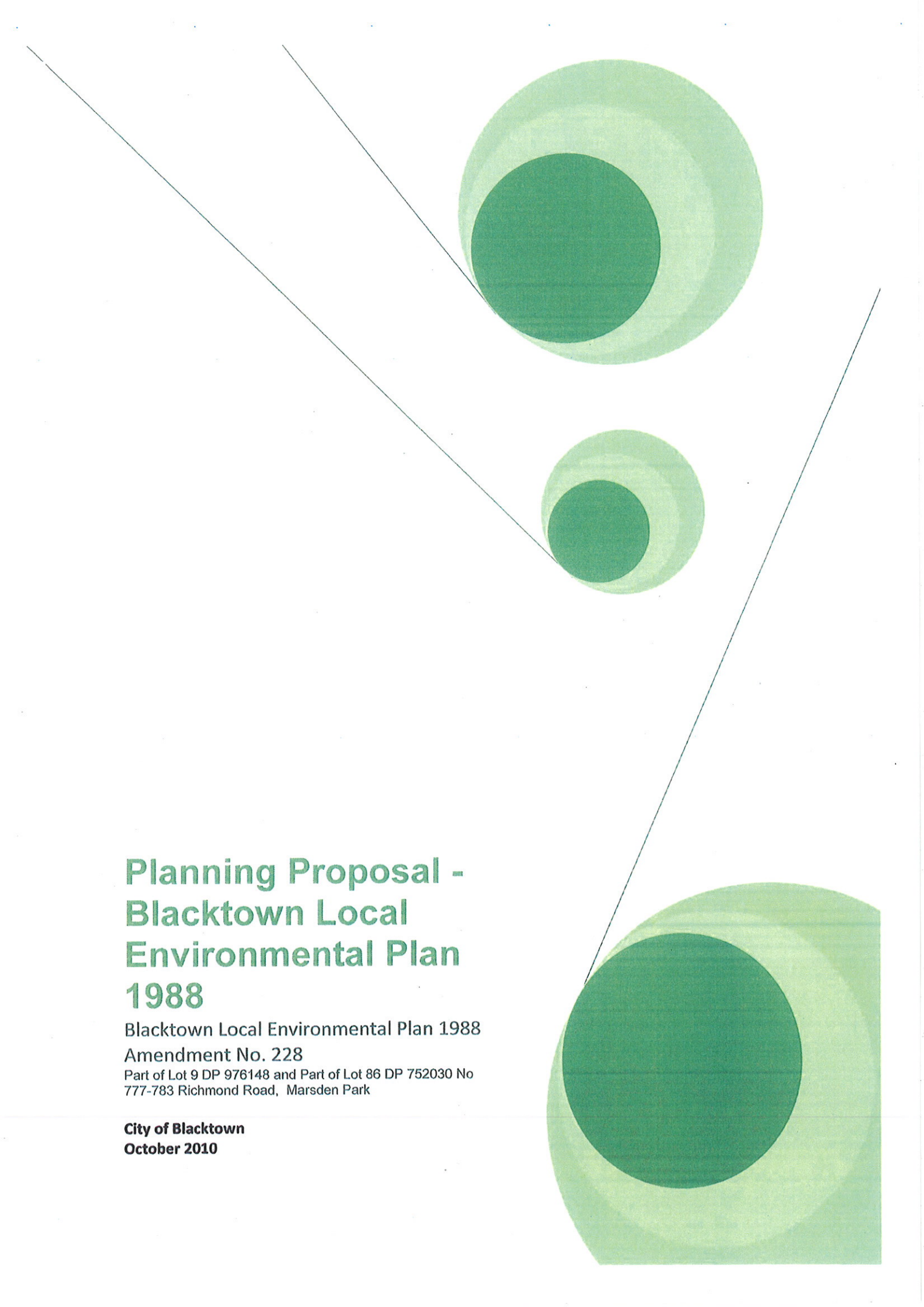


The page features an abstract graphic design. It includes three concentric green circles of varying sizes: a large one in the top right, a medium one in the center, and a large one in the bottom right. Two thin black lines intersect to form a 'V' shape, with one line extending from the top left towards the center and the other from the top right towards the bottom right. The text is positioned in the lower-left area of the page.

Planning Proposal - Blacktown Local Environmental Plan 1988

Blacktown Local Environmental Plan 1988
Amendment No. 228

Part of Lot 9 DP 976148 and Part of Lot 86 DP 752030 No
777-783 Richmond Road, Marsden Park

City of Blacktown
October 2010

PLANNING PROPOSAL

Zoning Amendment for Part of Lot 9 DP 976148 and Part of Lot 86 DP 752030
No. 777-783 Richmond Road, Marsden Park

Introduction

On 29 April 2010, Council received an application from Legacy Property Pty Ltd to rezone part of Lot 9 DP 976148 and part of Lot 86 DP 752030, No. 777-783 Richmond Road, Marsden Park. The purpose of the Planning Proposal is rezone this land from 5(b)(Arterial Road and Arterial Road Widening) to 2(a) (Residential) under Blacktown Local Environmental Plan 1988.

The site is located on the eastern side of Richmond Road and north of the M7 Link. The site is mostly undeveloped. However, some existing structures are located at the Richmond Road frontage. The part of the lots that is subject to the rezoning is vacant. Lot 9 DP 976148 has a site area of approximately 3.44 hectares and Lot 86 DP 752030 has a site area of approximately 3.48 hectares (see Figure 1). Both lots are privately owned.

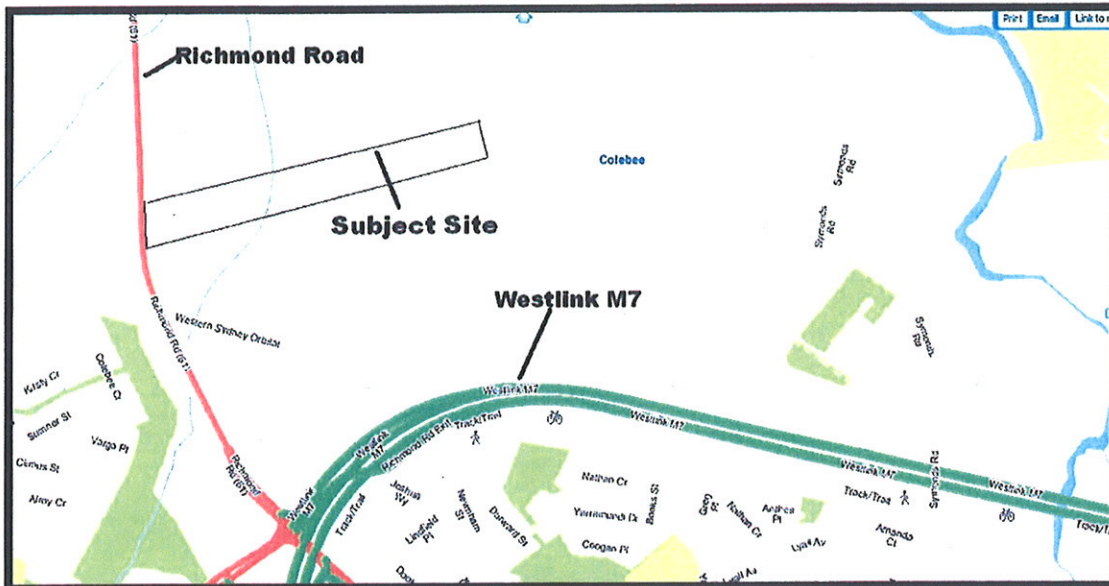


Figure 1: Locality Map

Figure 1 – Aerial photograph of land affected by the Planning Proposal (site outline in light blue with red diagonal lines)

Lot 9 DP 976148 is partially zoned 2(a)(Residential), 5(a)(Special Uses - Drainage), 5(b)(Special Uses – Arterial Road and Arterial Road Widening) and 6(a)(Public Recreation) under Blacktown Local Environmental Plan 1998 (BLEP 1988). Lot 86 DP 752030 is partially zoned 2(a)(Residential), 5(a)(Special Uses - Drainage) and 5(b) (Special Uses – Arterial Road and Arterial Road Widening) under BLEP 1988.

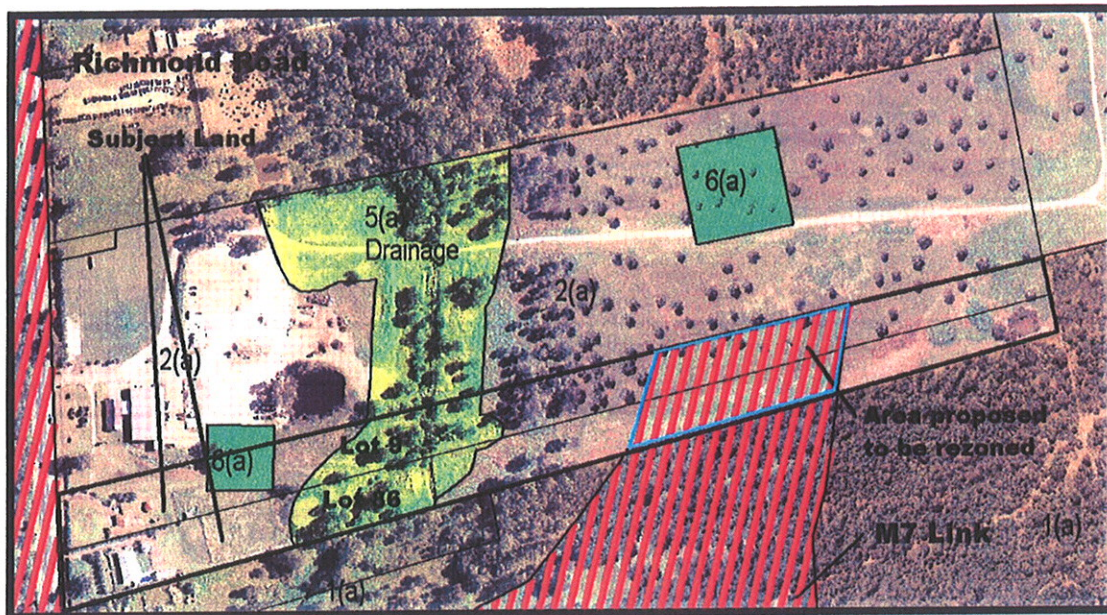


Figure 2 – Zoning Map of land affected by the Planning Proposal

The surrounding land is currently zoned part 2(a)(Residential), 5(a)(Special Uses - Drainage) and 6(a)(Public Recreation) under Amendment 193 to BLEP 1988. Amendment 193 to BLEP 1998 was the rezoning of the Colebee Release Area (See Figure 2).

The other adjoining land uses are located outside of the Colebee Release Area. These lands are located south and east of the subject site. This land is zoned 1(a)(General Rural) and 5(b)(Special Uses – Arterial Road and Arterial Road Widening).

The draft zones to the south of the lots to the south and east of the site are low density Residential, drainage and environment conservation under the draft Indicative Layout Plan for the Marsden Park Industrial Precinct under the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* (see Attachment 1).

PART 1 - Objectives and Intended Outcomes

The applicant is requesting Council to rezone the land on the subject site that is currently zoned 5(b)(Arterial Road and Arterial Road Widening) to allow residential development and associated non residential land uses (see Figure 2). The area to be rezoned on Lot 9 DP 976148 is approximately 6545 m² and the area to be rezoned on Lot 86 DP 752030 is approximately 6420m². The total area to be rezoned is therefore approximately 1.3 hectares.

The current zoning does not allow residential development. The main purpose of the 5(b)(Arterial Road and Arterial Road Widening) is to set aside land for arterial roads specifically for an on/off ramp to the proposed future Castlereagh Freeway. The land is now surplus to the needs of the Roads and Traffic Authority (RTA).

PART 2 - Explanation of Provisions

The purpose of the proposed rezoning is to enable development of the land for residential purposes, consistent with surrounding land uses. As such, it is proposed that an amendment to BLEP 1988 Land Zoning Map be made in accordance with the proposed zoning in **Attachment 2**. The proposed zoning of the subject land is 2(a) (Residential). An extract of what the zone 2(a) Residential currently permits is included in **Attachment 3**.

PART 3 - Justification

Section A – Need for the Planning Proposal

i. *Is the Planning Proposal a result of any strategic study or report?*

The proposed rezoning is a result of land previously reserved for an arterial road corridor. This land is now surplus to the needs of the RTA.

ii. *Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

As the current land zone prohibits residential development a change of zone in some form must be undertaken. The two options in which this could occur are as follows:

- a. Delay the change of zone until the Blacktown City Wide LEP is gazetted and include any alterations as part of the Blacktown City Wide LEP; or
- b. Undertake a Planning Proposal under BLEP 1988.

The applicant discussed the options with Council. As Council cannot give any guarantee on when the Blacktown City Wide LEP would be completed, the other option – the Planning Proposal is considered a faster way to undertake the change in zone. The sooner the land is rezoned, the quicker the land can be developed as part of the Colebee Release Area.

iii. *Is there a net community benefit?*

The following are net community benefits:

- The additional housing created by the proposed rezoning will contribute to achieving the housing targets in the North West Growth Centre;
- The proposed rezoning will utilise land originally zoned for acquisition by the RTA. This land is no longer required by the RTA. The proposed zone for the land is consistent with surrounding released land in the Colebee Precinct in the North West Growth Centre;
- The site is located close to the Richmond Rail Line ensuring appropriate transport connections for residents in the Colebee Precinct; and
- There is no change in ownership of land. The proposed area to be rezoned is not owned by any public authority. The land was zoned for acquisition by the RTA for construction of an arterial road. The land is not acquired by the RTA. As such the private cost versus the private benefit in terms of land exchange are cancelled out.

As such there is a positive community benefit from the proposal.

Section B – Relationship to Strategic Planning Framework

- iv. *Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft Strategies)?*

The NSW Government Sydney Metropolitan Strategy, draft North West Subregional Strategy and Metropolitan Transport Plan all apply to the Blacktown LGA. The Strategies set out a number of actions and directions related to employment, housing, transport and the environment focussing on sustainable planning for a growing population.

The proposed LEP amendment is consistent with the State Government Strategy to provide extra housing in the North West Growth Centre. The extra housing provided will contribute to meeting the housing target of 60 000 new homes by 2031.

- v. *Is the Planning Proposal consistent with the Local Council's Community Strategic Plan, or other Strategic Plan?*

The Blacktown City 2025 Vision Strategic Plan sets out eight strategic directions for the City of Blacktown. Council's Strategic Statement for urban living and infrastructure is to "provide housing that meets the diverse needs of our community in liveable neighbourhoods and is supported by infrastructure that serves the current and future demands of the community in a balanced manner". The draft plan is considered to be consistent with the above strategic objective, and is a good example of how surplus land allocated for a public purpose can be used to provide additional housing in the release areas.

- vi. *Is the Planning Proposal consistent with the applicable State Environmental Planning Policies?*

The sites are subject to *State Environmental Planning Policy (Sydney Growth Centres) 2006* and is located in the Colebee Precinct.

- vii. *Is the Planning Proposal consistent with applicable Ministerial Directions?*

The following S117 Directions may apply to the Planning Proposal:

DIRECTION	COMMENT
1. Employment and Resources 1.1 Business and Industrial zones 1.2 Rural zones 1.3 Mining, Petroleum Production and Extractive Industries 1.4 Oyster Aquaculture 1.5 Rural Lands	N/A
2. Environment and Heritage 2.1 Environment Protection Zones 2.2 Coastal Protection 2.3 Heritage Conservation 2.4 Recreation Vehicle Access	N/A
3. Housing, Infrastructure and Urban	Consistent

DIRECTION	COMMENT
Development	
3.1 Residential Zones	Consistent The proposed 2(a) (Residential) zone permits all forms of residential development excluding residential flat buildings. It will adjoin other areas which have the 2(a) (Residential) zone under BLEP 1988. Based on the topography, this is likely to make more efficient use of services proposed for adjoining residential areas. It relation to the provision of services to land within the proposed zone, Clause 24 of BLEP 1988 applies. It states that Council may refuse consent to the carrying out of any development within the zone unless arrangements for reticulated water and sewer, electricity and telecommunications have been made.
3.2 Caravan Parks and Manufactured Home Estates	N/A. The existing and proposed zones prohibit this land use.
3.3 Home Occupations	Consistent. This land use is permissible under the Housing Code.
3.4 Integrating Land Use and Transport	Consistent. The site is close to public transport nodes such as the Richmond Rail Line. Pedestrian and cycle routes can connect to this public transport node. The site is also located opposite the planned employment area - Marsden Park Industrial Precinct.
3.5 Development near Licensed Aerodromes	N/A. The land is not near a licensed aerodrome.
4. Hazard and Risk	
4.1 Acid Sulphate Soils	N/A
4.2 Mine Subsidence and Unstable Land	N/A
4.3 Flood Prone Land	N/A
4.4 Planning for Bushfire Protection	Consistent The land is bushfire prone. Consultation with the RFS will be required following receipt of a Gateway Determination.
5. Regional Planning	
5.1 Implementation of Rezoning Strategies	N/A
5.2 Sydney Drinking Water Catchments	
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	
5.6 Second Sydney Airport (Badgerys Creek)	

DIRECTION	COMMENT
6. Local Planning Making 6.1 Approval and Referral Requirements 6.2 Reserving Land for Public Purposes	Consistent N/A The RTA has given advice they no longer require the land.
6.3 Site Specific Provisions	N/A
7. Metropolitan Planning 7.1 Implementation of the Metropolitan Strategy	Consistent The Planning proposal is consistent with the NSW Government's Metropolitan Strategy and the North West Draft Sub Regional Strategy.

Section C – Environmental, Social and Economic Impact

- viii. *Is there any likelihood that Critical Habitat or Threatened Species populations or ecological communities or their habitats, will be adversely affected as a result of the proposal?*

Based on the Colebee Local Environmental Study, the subject lots contain remanent regrowth Cumberland Plain Woodland and Sydney Coastal River Flat Forest, and patches of cleared and developed land. Both ecological communities are considered to be endangered under the *Threatened Species Conservation Act 1995*.

The Growth Centres Bio-diversity Certification protects the areas of greatest ecological value. This area is part of the Certified Lands (**See Attachment 4**). Land which have been certified do not require detailed flora and fauna studies to be undertaken at development application under the provisions of the *Threatened Species Conservation Act 1995*.

Further studies may be required under the *Environment Protection Conservation Act, 1999*. If this is the case, then these studies may be submitted to Council at development application stage.

- ix. *Are there any other likely Environmental Effects?*

The only anticipated environmental effects are the potential loss of Cumberland Plain Woodland and Sydney Coastal Rivers Flat Forest. However the ecological communities may be retained with careful subdivision planning and site planning.

- x. *How has the Planning Proposal adequately addressed any social and economic effects?*

The planning proposal will result in additional housing in the area. This will have positive economic effects. However, as the proposed increase in land zoned for residential purposes is only 1.3 hectares, there will be minimal increase in demand for social services.

Section D – State and Commonwealth Interests

- xi. *Is there adequate public infrastructure for the Planning Proposal?*

The site is within 6km of Quakers Hill Station and the subject site is close to Richmond Road. It is anticipated that buses will service the Colebee Release area when the area is developed. In addition the site is located close to the M7. Thus, the proposal to increase housing in close proximity to transport nodes is consistent with State Government Strategy.

Any development application for the site will have to conform to Council's traffic management policies.

- xii. *What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?*

The RTA has advised that they have abandoned plans that would occupy the area shown as 5(b)(Arterial Road and Arterial Road Widening). As such, the land is surplus to its needs.

Part 4 - Community Consultation

The planning proposal is considered to be low impactful for the following reasons:

- The proposal is consistent with the surrounding land uses. The proposed rezoning is within the Colebee Precinct being an existing residential release area. The surrounding land use is 2 (a) Residential.
- The proposal is consistent with the strategic planning framework, in particular the NSW Government's Metropolitan Strategy and the North West Draft Sub Regional Strategy through the provision of extra housing in the North West Growth Centre.
- The planning proposal presents no significant issues with regard to infrastructure servicing.
- The proposal is not a principal LEP. It amends BLEP 1988.
- The proposal does not involve the reclassification of public land.

As such, the proposed community consultation period for this Planning Proposal is 14 days.